

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

FILED  
JAMES BOWEN  
2005 JUN 16 AM 10:09

RICHARD SHORT,

Plaintiff,

vs.

JAVITCH BLOCK & RATHBONE,  
LLP., et al.

Defendants.

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Case No. 3:05CV001

District Judge Walter Herbert Rice  
Magistrate Judge Sharon L. Ovington

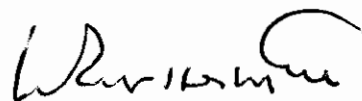
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**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS FILED ON MAY 20, 2005 (Doc. #8); DISMISSING PLAINTIFF'S COMPLAINT UNDER FED. R. CIV. P. 41(b) DUE TO FAILURE TO PROSECUTE; DENYING DEFENDANTS' MOTIONS TO DISMISS (Doc. #2, #7) AS MOOT; AND TERMINATING CASE ON THE DOCKET OF THIS COURT**

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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #8), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** in full said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on May 20, 2005 (Doc. #8) is ADOPTED;
2. Plaintiff Richard Short's Complaint be DISMISSED under Fed. R. Civ. P. 41(b) due to his failure to prosecute.
3. Defendants' Motions to Dismiss (Doc. #2, #7) are DENIED as moot; and
4. This case is terminated on the docket of this Court.



Walter Herbert Rice  
United States District Judge